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Examiner: Avi M. Gold

Group Art Unit: 2157

Tel No: 571-272-4002

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FROM: J.B. KRAFT

Tel No: 512-473-2303

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Docket No. US910000697051 Serial No. 09/773,193 Atty: J.B. KRAFT

Applicant: A.N. B264

☒ Transmittal Letter (2 copies)

☒ ~~Preliminary Amendment~~ RESPONSE

☐ Amendment AF

☐ Ext. of Time

☐ IDS Statement

☐ Other

☐ Certificate of Facsimile

☐ Notice of Appeal

☐ Appeal Brief (3 copies)

☐ Reply Brief

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Deposit Acct. No. 09-0447

Fees: Amendment Notice of Appeal Appeal Brief Other

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER: AMS928000697481
Date: 5/4/05

in re application of: A. N. Babu et al.

Serial No.: 09/773,193

Filed: January 31, 2001

Re: SYSTEM AND METHOD FOR HANDLING LOCATION INFORMATION

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Re:

transmitted herewith is an Amendment in the above-identified Application.

☒ No additional fee is required. No claims have been added.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0447. A duplicate copy of this sheet is enclosed.

☒ Any additional fees required under 37 CFR §1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 CFR §1.17.

Customer No. 32,329

Respectfully submitted,

By J. B. Kraft
J. B. Kraft
Registration No. 10,226
Intellectual Property Law Dept.
IBM Corporation
11400 Burnet Road - 4054
Austin, Texas 78758
(512) 473-2303

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER: AUS920000697US1

Date: _____

In re application of: A. N. Babu et al.

Serial No.: 09/773,193

Filed: January 31, 2001

For: SYSTEM AND METHOD FOR HANDLING LOCATION INFORMATION

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified Application.

☒ No additional fee is required. No claims have been added.☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0447. A duplicate copy of this sheet is enclosed.☒ Any additional fees required under 37 CFR 81.16 for the presentation of extra claims.☒ Any patent application processing fees under 37 CFR 81.17.

Customer No. 32,329

Respectfully submitted,

By

[Signature] 5/4/05
J. B. Kraft
Registration No. 19,228
Intellectual Property Law Dept.
IBM Corporation
1400 Burnet Road - 4054
Austin, Texas 78758
(512) 473-2303

PATENT
09/773,193

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Group Art Unit: 2157
: Examiner A. M. Gold
Anand N. Babu et al. : Intellectual Property
Serial No: 09/773,193 : Law Department - 4054
Filed: January 31, 2001 : International Business
Titles: SYSTEM AND METHOD : Machines Corporation
FOR HANDLING LOCATION : 11400 Burnet Road
INFORMATION : Austin, Texas 78758
Date: 5/4/05 : Customer No. 32,329

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Response and accompanying Transmittal letter is being transmitted via facsimile to USPTO, Group Art Unit 2157 at telephone number 703-872-9306, and to the attention of Examiner A. M. Gold on 5/4/05.

J.B. Kraft
J.B. KRAFT
Signature

5/4/05
Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

This is in response to the Official Action mailed
March 10, 2005

AUS920000697US1

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PATENT
09/773,193

The rejection of claims 1-36 as being anticipated by McCall et al. (US6,738,628) under 35 USC 102(e) is respectfully traversed. It is submitted that a rejection based on anticipation under 35 U.S.C. 102, must expressly or impliedly teach every element of invention without modification. The Examiner's application of the McCall patent does not meet this standard. Even giving McCall its best semantic interpretation, McCall does not disclose means for ranking items in a collection of user location data obtained from multiple location sources according to expected utility.

The present invention tracks a mobile user based upon location data obtained from multiple location sources which may accompany the moving user. Such location sources are defined in the present specification (P. 4, lines 39-44) by examples: mobile telephones, personal digital assistants, pagers, global positioning devices, and monitored user calendars giving user's expected locations at certain times. Location data is defined in the same section as data from location sources defining essentially the X,Y position of the user. Likewise, ranking of the items of location data according to expected utility is thoroughly described in the present specification (Page 7, line 36 to page 8, line 2). For example, location data from a location source which is capable of a more precise measurement is given priority over a less precise location source or a location source which has more recently moved is given a higher priority than the others.

McCall does not disclose such multiple location sources or the ranking of such sources based upon utility. McCall merely describes a grid of beams and the moving user

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PATENT
09/773,193

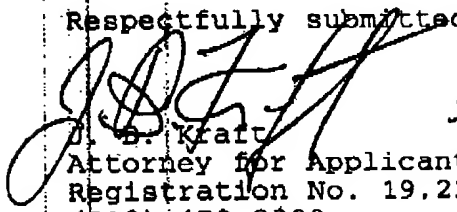
transmission source which establishes tracking transmission with beams crossed by the moving user source.

Despite the clear differences in the operations of the present invention relative to those of McCall as described above, the Examiner appears to be making a semantic argument which regards the grid of multiple beams in McCall as the claimed plurality of location sources. With such an interpretation, where is the ranking of such sources based upon utility? There is no such ranking since all that is determined is when a beam has been crossed by the moving user.

Applicants submit that the teaching of McCall as applied and interpreted by Examiner is too vague and murky to serve as teaching to anticipate the present invention under 35 U.S.C. 102. The reference does not clearly expressly or impliedly teach every element of the present invention without modification.

In view of the foregoing, claims 1-36 are submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted

 5/4/05
J. B. Kraft
Attorney for Applicants
Registration No. 19,226
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:

Mark Walker
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road

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